

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BCS SERVICES, INC., and
PHOENIX BOND & INDEMNITY, CO.,

Plaintiffs,

v.

HEARTWOOD 88, INC., *et al.*,

Defendants.

Case No. 07 cv 1367

Consolidated with Case No. 05 cv 4095

Judge Matthew F. Kennelly

**THE SALTA AND HBZ DEFENDANTS' RENEWED JOINT
MOTION FOR JUDGMENT AS A MATTER OF LAW**

Defendants, Salta Group, Inc. (“Salta”), Marshall Atlas (together with Salta, the “Salta Defendants”), HBZ, Inc. (“HBZ”), Joshua Atlas, Arlene Atlas, Lori Levinson and Judith Berger (together with HBZ, Joshua Atlas, Arlene Atlas and Lori Levinson, the “HBZ Defendants”), hereby renew their Fed. R. Civ. P. 50(a) motion for judgment as a matter of law on Counts III, IV and VII of the Third Amended Complaint (dkt. no. 861). In addition, the Salta/HBZ Defendants adopt and incorporate herein by reference those arguments that apply equally to the claims asserted against the Salta/HBZ Defendants that were advanced in: (1) Motion Pursuant to Fed. R. Civ. P. 50 Submitted on Behalf of the BG Defendants (dkt. no. 861); (2) Motion of Wheeler-Dealer Ltd. and Timothy Gray for Judgment as a Matter of Law (dkt. no. 859); (3) The Sass Defendants’ Memorandum of Law in Support of Their Motion for Judgment as a Matter of Law (dkt. no. 858); and (4) The Sass Defendants’ Renewed and Supplemental Motion for Judgment as a Matter of Law (dkt. no. 867).

October 31, 2011

Respectfully submitted,

HBZ, INC., ARLENE ATLAS, JOSHUA ATLAS,
LORI LEVINSON and JUDITH BERGER

By: /s/ Athanasios Papadopoulos
One of their attorneys

Michael D. Sher (ARDC #2580519)
Athanasios Papadopoulos (ARDC #6278188)
NEAL, GERBER & EISENBERG LLP
Two North LaSalle Street, Suite 2200
Chicago, IL 60602-3801
(312) 269-8000
MARSHALL ATLAS

By: /s/ Edward M. Genson
One of his attorneys

Edward M. Genson
GENSON & GILLESPIE
53 W. Jackson Blvd., Suite 1420
Chicago, IL 60604
(312) 726-9015

MARSHALL ATLAS and SALTA GROUP, INC.

By: /s/ Elisha S. Rosenblum
One of their attorneys

Elisha S. Rosenblum
O'HALLORAN, KOSOFF, GEITNER & COOK
LLC
650 Dundee Road, Suite 475
Northbrook, IL 60062
(847) 291-0200

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2011, I electronically filed the foregoing **The Salta and HBZ Defendants' Renewed Joint Motion for Judgment as a Matter of Law** with the Clerk of Court using the CM/ECF system, which shall send notification to all parties of record by operation of the Court's electronic filing system.

/s/ Athanasios Papadopoulos